

From: Patrick Joyce
To: Microsoft ATR
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Subject: The proposed settlement to the Microsoft antitrust case does absolutely

The proposed settlement to the Microsoft antitrust case does absolutely nothing to prevent them from continuing their illegal activities. In fact, it condones them continuing and expanding these practices.

A few examples:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances -- in effect, discounts -- to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

Aren't these textbook examples of anti-competitive practices? Hasn't the Justice department slapped Microsoft on the wrist for these before? The time for a "slap on the wrist" is long past. The time for real, effective punishment is now.

In addition to my vehement rejection of the proposed settlement as fair and equitable, I would call into question Mr. Ashcroft's motives in this case. Anyone with basic knowledge of computers and the law can see how this settlement does nothing but support Microsoft's monopoly status. Certainly the Attorney General of the United States knows this as well, and a investigation into his relationship with Microsoft should take place immediately.